IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

Crl.Rev.Pet.No. 564 of 2005(A)

CRA.20/2005 of SESSIONS COURT, ERNAKULAM
CC.1163/2000 of JUDL.MAGISTRATE OF FIRST CLASS-I, MUVATTUPUZHA

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REVN. PETITIONER: APPELLANT/ACCUSED:

K.K.PURUSHOTHAMAN, S/O. KUMARAN,
VELLARAMPARACKAL PUTHENPURAYIL, OORAMANA KARA,
MEMURY VILLAGE.

BY ADV. SRI.ANIL GEORGE
SRI.PAUL MATHEW (PERUMPILLIL)
SRI.T.A.SREE KUMAR
SRI.JOBY JACOB PULICKEKUDY

RESPONDENTS: RESPONDENTS/COMPLAINANT AND STATE:

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1. K.V.ABRAHAM, S/O. VARKEY,
KEEPADAYIL, KALAMPOOR KARA, EANANALLOOR VILLAGE.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
SESSIONS COURT, ERNAKULAM.

BY ADV. SRI.C.P.UDAYABHANU
BY PUBLIC PROSECUTORSRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 23/11/2006, ALONG WITH CRRP NO.565 OF 2005, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No.564 of 2005

Dated this the 23rd day of November, 2006

ORDER

Crl.R.P. is filed challenging the conviction and sentence under Section 138 of the Negotiable Instruments Act. The trial court sentenced the petitioner to undergo simple imprisonment of six months and to pay a fine of Rs.25,000/- and in default of payment of fine, to undergo simple imprisonment for a period of 45 days. There was also a direction that the fine amount, if realised, would be paid to the complainant as compensation under Section 357(1) of the Code of Criminal Procedure. On appeal by the accused, the appellate court allowed the appeal in part and while confirming the conviction, the sentence of imprisonment was altered and limited to imprisonment till the rising of the court, and a sum of Rs.40,000/- was awarded as compensation with a default sentence of imprisonment for three months.

2. Crl.M.A.No.11670/2006 filed under Section 147 of the Negotiable Instruments Act signed by the complainant and the accused and their counsel, stating that the matter is settled

between the parties. That application was allowed. It is stated therein that Rs.3,000/- was deposited on 4.4.2005 and Rs.10,000/- was deposited on 5.2.2005 by the Revision petitioner/accused before the trial court and that those amounts may be directed to be released in favour of the complainant.

Accordingly, the Crl.R.P. is allowed. The conviction and sentence against the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure. The trial court shall release to the complainant the amount of Rs.3,000/- and Rs.10,000/- deposited by the accused.

K.T.SANKARAN,
JUDGE

csl

K.T.SANKARAN, J

Crl.M.A.No. 11670 of 2006
in
Crl. R.P. No.564 of 2005

Dated this the 23rd day of November, 2006

ORDER

This is an application under Section 147 of the Negotiable Instruments Act seeking leave to compound the offence under Section 138 of the Act. The application is supported by the affidavit sworn to by the revision petitioner and the application is signed by the revision petitioner/accused and the first respondent/complainant. It is stated that the matter is settled between the parties. It is also stated that Rs.3,000/- was deposited on 4.4.2005 and Rs.10,000/- was deposited on 5.2.2005 by the revision petitioner/accused before the trial court and that those amounts may be directed to be released in favour of the first respondent/complainant. The application is allowed.

K.T.SANKARAN,

JUDGE

csl